

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution amending Resolution
R-120-83 to conform to State
Law thresholds and requirements
for the use of County's own
forces in performing construction
projects

The accompanying resolution was prepared and placed on the agenda at the request of Prime
Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney



APW/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(3)
12-1-15

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION R-120-83 TO
CONFORM TO STATE LAW THRESHOLDS AND
REQUIREMENTS FOR THE USE OF COUNTY'S OWN
FORCES IN PERFORMING CONSTRUCTION PROJECTS

WHEREAS, in 1983 this Board adopted R-120-83, a copy of which is attached, which provided that construction contracts estimated to exceed \$50,000.00 must be competitively bid to private sector contractors; and providing that the Construction Industry Advisory Council be notified to waive the requirement; and

WHEREAS, in 1994, the State law was amended to create Section 255.20, which provides different thresholds and requirements for the County's use of its own forces for construction projects; and

WHEREAS, this Board wishes to amend Resolution R-120-83 to update it, conform it to current provisions of State Law, and delete notice requirements that are no longer effective by adopting State law thresholds and provisions for the use of the County's own forces in construction projects,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that Resolution R-120-83 is hereby amended to conform to the State law thresholds and requirements for the use of the County's own forces in performing construction projects and to read, in its entirety, as follows:

Section 1. It is the policy of this Board that the Mayor or the Mayor's designee be authorized to use the County's services, employees and equipment to perform construction

projects whose value is estimated not to exceed the statutory amount which is currently \$300,000.00 without further approval from this Board.

Section 2. For construction projects whose value is estimated to exceed the current statutory threshold of \$300,00.00 which the Mayor or the Mayor's designee wishes to perform using the County's services, employees and equipment, the County shall comply with the provisions of Section 255.20(1)(c)(9) of the Florida Statutes, as the same may be amended.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of December, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Henry N. Gillman

A handwritten signature in black ink, appearing to be 'H. N. Gillman', written over a horizontal line.

Agenda Item No.5(g)(5)
2-1-83

RESOLUTION NO. R-120-83

RESOLUTION ESTABLISHING POLICY STATEMENT FOR
CONSTRUCTION OF NEW COUNTY FACILITIES, AND FOR
ADDITIONS, RENOVATIONS OR MODERNIZATION OF
EXISTING COUNTY FACILITIES

WHEREAS, Section 4.03(D) of the Dade County Home Rule Charter authorizes the Board of County Commissioners to set competitive bid levels for all contracts for public improvements and materials and said Section is now implemented by Section 2-8.1 of the Code; and

WHEREAS, Administrative Order 3-2 delineates the procedures for seeking bids pursuant to Section 2-8.1; and

WHEREAS, all materials and services for use by Dade County Departments are purchased under competitive bidding in accordance with established purchasing procedures; and

WHEREAS, the Board is cognizant of concerns expressed by the Construction Industry relating to said construction work; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. That this Board adopts the following policy for construction contracts involving the use of public funds and directs the County Manager to implement said policy.

Section 2. That all labor and materials necessary for construction of new County facilities or additions to existing County facilities when such contracts exceed \$50,000 shall be provided by competitive bid through private industry.

Section 3. That all labor and materials necessary for renovation or modernization of existing County facilities exceeding \$100,000 shall be provided by competitive bid through private industry; provided, however, that all labor and materials exceeding \$25,000 from any single trade shall be competitively bid.

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Section 4. That in the event the County Manager finds that it is in the best interest of Dade County not to follow this policy, that the County Manager will notify in writing the Board of County Commissioners and the Construction Industry Advisory Council of such intent, two weeks prior to the Commission meeting at which said action will be reported. The written notice from the County Manager shall set forth the reasons for the recommendation so that the Construction Industry Advisory Council can respond to the Commission if they wish to object.

Section 5. That the provisions of this resolution shall not be applicable where State and/or Federal regulations mandate other procedures.

The foregoing resolution was offered by Commissioner

Ruth Shack who moved its adoption. The motion was seconded by Commissioner Barry D. Schreiber and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Olara Oesterle	Absent
Beverly B. Phillips	Aye
James F. Redford, Jr.	Nay
Harvey Ruvlin	Absent
Barry D. Schreiber	Aye
Ruth Shack	Aye
Jorge E. Valdes	Nay
Stephen P. Clark	Aye

The Mayor thereupon declared the resolution duly passed and adopted this 1st day of February, 1983.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, Mayor

Approved by County Attorney as to
form and legal sufficiency. *May*

By: **RAYMOND REED**
Deputy Clerk



MEMORANDUM

Agenda Item No. 5 (g, (5))

Honorable Mayor and Members,
Board of County Commissioners

February 1, 1983

Construction Contracts

Robert A. Ginsburg
Dade County Attorney

The accompanying resolution was prepared and placed on
the agenda at the request of Commissioner Shack.

Robert A. Ginsburg
Robert A. Ginsburg
Dade County Attorney

RAG/spr

MEMORANDUM

Agenda Item No. 5(q) (5)

107,99-17A

TO Honorable Mayor and Members
Board of County Commissioners

DATE February 1, 1983

SUBJECT Construction Contracts

FROM

M. R. Stierman
County Manager

As you know, I have been personally involved in trying to resolve the issue regarding construction contracts since the matter first surfaced. I met with Commissioner Shack, members of the Construction Industry and staff repeatedly in efforts to reach a compromise which would address the Industry's concerns and at the same time allow the affected departments to remain responsive to the County's needs. At the last Internal Support Services Committee meeting it was requested that all parties meet again. The resolution before you today is the result of a meeting on January 24, 1983, at which I presented a policy statement, drafted by the department directors which, after minor changes were made, was accepted by the Construction Industry and Commissioner Shack.

Essentially the proposed policy is that new construction and additions exceeding \$50,000 and renovation and modernization work exceeding \$100,000 be provided, through the competitive bid process, by private industry. Whenever practicable we will bid construction contracts which fall below the amounts specified in the resolution. In the event we determine that it is in the County's best interest not to follow the policy for a project exceeding these limitations, I will bring this recommendation to the Board and, further, notify the Construction Industry Advisory Council, in writing, two weeks prior to the Commission meeting so that the Council can respond if they wish to object. Additionally, I will provide you, and the Council, with quarterly reports detailing the projects which have been accomplished by the County.

I am pleased that we were able to reach this compromise. The heightened level of sensitivity over this issue by all parties will, I am sure, result in greater understanding and cooperation.